

AMENDED IN SENATE MARCH 28, 2006

SENATE BILL

No. 1721

Introduced by Senator Dunn

February 24, 2006

~~An act to amend Section 71634.4 of the Government Code, relating to trial court employees. An act relating to state employees.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1721, as amended, Dunn. ~~Trial court employees: recognized employee organizations: mediation. State employees: memoranda of understanding: State Bargaining Units 16 and 19.~~

Existing law provides that if any provision of a memorandum of understanding reached between the state employer and a recognized employee organization representing state civil service employees requires the expenditure of funds, those provisions of the memorandum of understanding shall not become effective unless approved by the Legislature in the annual Budget Act.

This bill would approve provisions that require the expenditure of funds of a memoranda of understanding entered into between the state employer and State Bargaining Units 16 and 19, and would provide that the provisions of any memorandum of understanding that require the expenditure of funds shall become effective even if the provisions of the memorandum of understanding are approved by the Legislature in legislation other than the annual Budget Act.

This bill would provide that provisions of the memoranda of understanding approved by this bill that require the expenditure of funds shall not take effect unless funds for these provisions are specifically appropriated by the Legislature, and would provide that if funds for these provisions are not specifically appropriated by the

Legislature, the state employer and the affected employee organization shall meet and confer to renegotiate the affected provisions.

~~Existing law authorizes trial court employees to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations. Existing law authorizes recognized employee organizations to represent members in their employment relations with trial courts as to, among others, wages, hours, and other terms and conditions of employment. If failing to reach an agreement on those issues, existing law authorizes representatives of the trial court and the recognized employee organization or organizations to appoint a mediator mutually agreeable to the parties.~~

~~If mediation fails to resolve those disputes, as described above, this bill would authorize the recognized employee organization or organizations to submit those disputes to the Judicial Council. The bill would require the Judicial Council to designate a committee or appointee to hear and resolve those disputes.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. The Legislature finds and declares that the*
- 2 *purpose of this act is to approve an agreement pursuant to*
- 3 *Section 3517 of the Government Code entered into by the state*
- 4 *employer and recognized employee organizations.*
- 5 *SEC. 2. The provisions of the memoranda of understanding*
- 6 *prepared pursuant to Section 3517.5 of the Government Code*
- 7 *and entered into by the state employer and the following*
- 8 *employee organizations, and that require the expenditure of*
- 9 *funds, are hereby approved for the purposes of Section 3517.6 of*
- 10 *the Government Code:*
- 11 *(a) State Bargaining Unit 16, Union of American Physicians*
- 12 *and Dentists.*
- 13 *(b) State Bargaining Unit 19, American Federation of State,*
- 14 *County, and Municipal Employees.*
- 15 *SEC. 3. The provisions of the memorandum of understanding*
- 16 *approved by Section 2 of this act that are scheduled to take effect*
- 17 *on or after July 1, 2006, and that require the expenditure of*

1 *funds, shall not take effect unless funds for these provisions are*
2 *specifically appropriated by the Legislature. If funds for these*
3 *provisions are not specifically appropriated by the Legislature,*
4 *the state employer and the affected employee organization shall*
5 *meet and confer to renegotiate the affected provisions.*

6 *SEC. 4. Notwithstanding Section 3517.6 of the Government*
7 *Code, the provisions of any memorandum of understanding that*
8 *require the expenditure of funds shall become effective even if the*
9 *provisions of the memorandum of understanding are approved by*
10 *the Legislature in legislation other than the annual Budget Act.*

11 ~~SECTION 1. Section 71634.4 of the Government Code is~~
12 ~~amended to read:~~

13 ~~71634.4. (a) If after a reasonable period of time,~~
14 ~~representatives of the trial court and the recognized employee~~
15 ~~organization fail to reach agreement, the trial court and the~~
16 ~~recognized employee organization or recognized employee~~
17 ~~organizations together may agree upon the appointment of a~~
18 ~~mediator mutually agreeable to the parties. Costs of mediation, if~~
19 ~~any, shall be divided one-half to the trial court and one-half to the~~
20 ~~recognized employee organization or recognized employee~~
21 ~~organizations.~~

22 ~~(b) If the procedure provided for in subdivision (a) fails to~~
23 ~~resolve all disputes submitted to mediation, the recognized~~
24 ~~employee organization or recognized employee organizations~~
25 ~~may refer any disputes that were not resolved by mediation to the~~
26 ~~Judicial Council.~~

27 ~~(1) The Judicial Council shall, by court rule, designate a~~
28 ~~committee or appointee to hear and resolve those disputes.~~

29 ~~(2) The committee or appointee shall act as arbitrator in the~~
30 ~~disputes submitted under this subdivision.~~

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33 ~~CORRECTIONS:~~

34 ~~Amending House - Page 1.~~
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